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CONCORD, N.H.

Michael C. A. Mainwaring, Director  
New Hampshire State Police  
Concord, N.H.

Dear Michael Mainwaring:

In reply to your letter of November 4, 1953,  
with reference to Chapter 884, Laws of 1953, "Civil Defense Act", I  
advise as follows:

The effect of the quoted sections of this statute  
is to make the Governor of the State the Commander in Chief of the Civil  
Defense forces and helpers in the State during any proclaimed emergency.  
Your authority in this regard is subject to the authority of the Governor.  
In effect, you are his Chief of Staff to the extent authorized by the  
Governor.

Under authority of Article 7 (a) the Governor can  
order civil defense forces from their home towns to other towns within  
the State. More designation of such local civil defense forces as mobile  
support units would suffice to give this authority. As to whether such  
units could be ordered outside the State, the Governor is restricted by  
the provisions of the Constitution of New Hampshire, Part II, Article 51,  
which provides that the Governor shall not "transport any of the inhabi-  
tants of this state or oblige them to march out of the limits of the same,  
without their free and voluntary consent, or the consent of the General  
Court". I would assume that in time of real emergency, such consent might  
be voluntarily given. On the other hand, from an administrative standpoint,  
it might be well to secure this consent in advance from members of such  
organizations.

If the Governor assumes direction of local forces,  
the selectmen or city council retains only such authority as is not  
exercised by the Governor.

Very truly yours,

George F. Nelson  
Assistant Attorney General

GFM:MM